

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

CEASE AND DESIST ORDER NO. R2-2007-0059

**REQUIRING THE CITY AND COUNTY OF SAN FRANCISCO
TO CEASE AND DESIST DISCHARGING PARTIALLY-TREATED WASTEWATER
TO WATERS OF THE STATE**

WHEREAS the California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter “Regional Water Board”), finds that:

1. The City and County of San Francisco (hereinafter “Discharger”) owns and operates the Mel Leong Treatment Plant, Sanitary Plant (hereinafter “Sanitary Plant”), located at 676 McDonnell Road, San Francisco International Airport, San Mateo County. The Sanitary Plant treats sanitary wastewater from airplanes and airport facilities, such as terminal restrooms, hangars, restaurants, and shops. It has a dry weather design capacity of 2.2 million gallons per day.
2. The Sanitary Plant discharge has been regulated by waste discharge requirements in Order No. 01-145 (NPDES Permit No. CA0038318).
3. Concurrent with the adoption of this Cease and Desist Order, the Regional Water Board adopted Order No. R2-2007-0059 (hereinafter “Permit”), reissuing waste discharge requirements for the Discharger. The Permit contains prohibitions, limitations, and provisions regulating the discharge. The limitations include those listed in Table 1 below, among others.

Table 1: Permit Effluent Limits

Parameter	Final Effluent Limits in Permit		Monitoring Station
	Average Monthly Effluent Limit (µg/L)	Maximum Daily Effluent Limit (µg/L)	
Mercury	0.020	0.041	EFF-001A
Aldrin	0.00014	0.00028	EFF-001A
4,4-DDT	0.00059	0.0012	EFF-001A
4,4-DDE	0.00059	0.0012	EFF-001A
Dieldrin	0.00014	0.00028	EFF-001A
Heptachlor	0.0020	0.0041	EFF-001A
Heptachlor epoxide	0.00089	0.0018	EFF-001A

4. The Discharger submitted an infeasibility study demonstrating that it cannot comply with the effluent limits listed in Table 1. As stated in the Permit findings, the Regional Water Board concurs with the Discharger because the effluent limits are more stringent than the maximum effluent concentrations estimated for the combined flow from the Sanitary Plant and the nearby Industrial Plant (which contributes to effluent concentrations at the combined monitoring station). The Permit grants compliance schedules for some but not all of these pollutants; therefore, the Discharger will discharge waste in violation of the Permit.
5. Although the Permit contains final effluent limits for aldrin, 4,4-DDT, heptachlor, and heptachlor epoxide, the Permit also provides compliance schedules to meet these effluent limits. The compliance schedules last until May 18, 2010, which is the last day the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy) authorizes compliance schedules for California Toxics Rule pollutants. As stated in the Permit findings, the actions these compliance schedules require are, by themselves, unlikely to result in compliance by May 18, 2010, because this length of time is insufficient to complete all necessary actions. Therefore, when the compliance schedules for these pollutants end, the Discharger threatens to violate the effluent limitations for these pollutants.
6. Water Code § 13301 authorizes the Regional Water Board to issue a Cease and Desist Order when it finds that a waste discharge is taking place, or threatening to take place, in violation of Regional Water Board requirements.
7. Because the Discharger will violate or threatens to violate required effluent limits, this Order is necessary to ensure that the Discharger achieves compliance. This Order establishes time schedules for the Discharger to complete necessary investigative, preventive, and remedial actions to address its imminent and threatened violations. The Permit requires certain actions as conditions of its compliance schedules. This Order continues those efforts once the compliance schedules end so the Discharger will eventually comply with its final effluent limitations.
8. The time schedules in this Order are parameter-specific and intended to be as short as possible. They account for the considerable uncertainty in determining effective measures (e.g., pollution prevention and treatment plant upgrades) necessary to achieve compliance. This Order allows some time to first explore source control measures before requiring further actions, such as treatment plant upgrades, which are likely to be much more costly. The time schedules are based on reasonably expected times needed to implement source identification and upstream source control, evaluate success, identify on-site treatment alternatives if necessary, test and select from among alternatives, and construct plant upgrades. The Regional Water Board may wish to revisit these assumptions as more information becomes available.
9. As part of the time schedules to achieve compliance, this Order requires the Discharger to comply with interim effluent limits, where feasible. These interim limits are intended to ensure that the Discharger maintains at least its existing performance while completing all tasks required during the time schedules. The interim limits are based on past performance or limits in previous orders, whichever are more stringent. If based on past performance, the interim limits represent the 99.87th percentile of actual measured discharge concentrations (three standard deviations from the mean). If insufficient monitoring data exist to derive a reliable performance-based limit, and if no previous order contained a limit, then this Order does not establish an interim limit.
10. This Order is an enforcement action and, as such, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code § 21000 et seq.) in accordance with 14 CCR § 15321.

11. The Regional Water Board notified the Discharger and interested persons of its intent to consider adoption of this Cease and Desist Order, and provided an opportunity to submit written comments and appear at a public hearing. The Regional Water Board, in a public hearing, heard and considered all comments.

IT IS HEREBY ORDERED, in accordance with Water Code § 13301, that the Discharger shall cease and desist from discharging and threatening to discharge wastes in violation of its Permit by complying with the following provisions:

1. Prescribed Actions. The Discharger shall comply with the required actions in Table 2 in accordance with the time schedules provided therein to comply with all effluent limits contained in the Permit. All deliverables listed in Table 2 shall be acceptable to the Executive Officer, who will review them for adequacy and compliance with the Table 2 requirements. The Discharger shall further implement all actions set forth in each deliverable, unless the Executive Officer finds the deliverable to be unacceptable.
2. Exceptions. The following exceptions apply to the parameter-specific time schedules and prescribed actions in Table 2.
 - a. *Mercury*. The mercury-related time schedules and prescribed actions shall cease to be in effect upon the effective date of a permit^{*} that supersedes the mercury limits in the Permit.
 - b. *Aldrin, 4,4-DDT, Heptachlor, and Heptachlor Epoxide*. The prescribed actions in Table 2, actions “a,” “b,” “c,” and “d,” shall not apply to aldrin, 4,4-DDT, heptachlor, and heptachlor epoxide because the Permit already requires these actions. Actions “e,” “f,” “g,” and “h” shall apply to aldrin, 4,4-DDT, heptachlor, and heptachlor epoxide beginning May 18, 2010.
3. Reporting Delays. If the Discharger is delayed, interrupted, or prevented from meeting one or more of the time schedules in Table 3 due to circumstances beyond its reasonable control, the Discharger shall promptly notify the Executive Officer, provide the reasons and justification for the delay, and propose time schedules for resolving the delay.
4. Consequences of Non-Compliance. If the Discharger fails to comply with the provisions of this Order, the Executive Officer is authorized to take further enforcement action or to request the Attorney General to take appropriate actions against the Discharger in accordance with Water Code §§ 13331, 13350, 13385, and 13386. Such actions may include injunctive and civil remedies, if appropriate, or the issuance of an Administrative Civil Liability Complaint for Regional Water Board consideration.
5. Effective Date. This Order shall be effective on the effective date of the Permit.

^{*} In March 2007, Regional Water Board staff publicly noticed a draft permit that could supersede existing mercury requirements and implement the wasteload allocations for municipal and industrial wastewater discharges identified in the San Francisco Bay Mercury TMDL that the Regional Water Board adopted in August 2006.

Table 2: Time Schedules and Prescribed Actions

Action	Deadline	
	Mercury	Pesticides
a. Comply with the following interim effluent limits: Mercury (at Monitoring Station EFF-001A): Average monthly effluent limit = 0.087 µg/L Maximum daily effluent limit = 1.0 µg/L	Upon the effective date of this Order	<i>Not Applicable</i>
b. Investigate sample collection, sample handling, and analytical laboratory quality assurance and quality control practices to ensure that analytical results for aldrin, 4,4-DDT, 4,4-DDE, dieldrin, heptachlor, and heptachlor epoxide (hereinafter “Pesticides”) are accurately determined and reported. Submit a report by the deadline describing the results of the investigation and any changes in quality assurance and quality control practices implemented.	<i>Not Applicable</i>	January 1, 2008
c. Submit a plan for identifying all mercury, and Pesticides sources to the discharge. Examples of potential mercury sources include chemicals used on site, medical devices, laundry services, fluorescent light tubes, and electrical switches. Examples of potential Pesticide sources include stored pesticides and pesticide-treated soils near sewer lines. The plan shall, at a minimum, include sampling influent waste streams to identify and quantify pollutant sources.	June 1, 2008	June 1, 2008
d. Implement the plan developed in action “c” within 30 days of the deadline for action “c,” and submit by the deadline for this action a report that contains an inventory of the pollutant sources.	October 1, 2008	October 1, 2008
e. Submit a report documenting development and initial implementation of a program to reduce and prevent the pollutants of concern in the discharge. The program shall consist, at a minimum, of the following elements: i. Maintain a list of sources of pollutants of concern. ii. Investigate each source to assess the need to include it in the program. iii. Identify and implement targeted actions to reduce or eliminate discharges from each source in the program. iv. Develop and distribute, as appropriate, educational materials regarding the need to prevent	December 1, 2008	December 1, 2008

Action	Deadline	
	Mercury	Pesticides
sources to the sewer system.		
f. Continue to implement the program described in action “e” and submit annual status reports that evaluate its effectiveness and summarize planned changes. Report whether the program has successfully brought the discharge into compliance with the effluent limits in the Permit. If not, identify and implement additional measures to further reduce discharges.	Annually each February 28 in Best Management Practices and Pollutant Minimization Report required by Permit Provision VI.C.3	
g. If the discharge data show that the discharge is not out of compliance (as defined in Section 2.4.5 of the State Implementation Policy), then the remainder of the provisions in this Order are not applicable.	<i>Not applicable</i>	May 15, 2010
h. If by February 28, 2011 , discharge data continue to show the discharge is out of compliance (as defined in 2.4.5 of the State Implementation Policy) with the Permit effluent limits, submit a report, by the deadline for this action, identifying more aggressive actions to ensure compliance. These actions shall include, but not be limited to, reviewing options for pretreatment and upgrades to the treatment plant. The report shall identify an implementation schedule for investigating these options, selecting a preferred option, and implementing the chosen option. At a minimum, the report shall plan for the following activities: i. Bench scale testing or pilot scale testing or both ii. Development of preliminary design specifications iii. Development of final design specifications iv. Procurement of funding v. Acquisition of necessary permits and approvals vi. Construction	June 1, 2011	June 1, 2011
i. Implement the plan required in action “h” within 45 days of the deadline for action “h,” and submit annual status reports.	Annually each February 1 in Annual Self-Monitoring Report required by Permit Attachment E, Monitoring & Reporting Program	
j. Submit documentation confirming complete plan implementation and comply with effluent limits in the Permit.	June 1, 2015	June 1, 2015

I, Bruce H. Wolfe, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on August 8, 2007.

BRUCE H. WOLFE
Executive Officer